



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP
Docket No. 5008-00
12 January 2001

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 January 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 19 October 1981 for four years at age 17. The record reflects that you were advanced to MMFN (E-3) and served for 18 months without incident. However, during the 15-month period from May 1983 to August 1984 you received two nonjudicial punishments (NJP) for use of marijuana.

On 25 August 1984, the Chief of Naval Personnel directed that you be discharged under other than honorable conditions by reason of misconduct due to drug abuse. You were so discharged on 4 September 1984. The discharge processing documentation is not on file in the record.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity and the fact that that it has been more than 16 years since you were discharged. The Board noted your request for a medical discharge and your claim that you have a mental illness.

However, you provide no evidence to support your claim. Further, available medical records contain no evidence that you were ever diagnosed as having a mental disorder or illness while in the service. This Board cannot obtain medical records from a state mental institution without your authorization. Therefore, it is incumbent upon you to provide such records if you believe they are relevant to your discharge. The Board concluded the foregoing factors and claim were insufficient to warrant recharacterization of your discharge given your record of two NJPs for use of drugs. Absent the missing records, a presumption exists that action by the Navy to discharge you by reason of misconduct due drug abuse was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director